

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re: Application for a Disclosure Order,
USAO Reference No. 2023R00627.

03Cr. 938 (JGK)
2616
9/18/23
**SEALED EX PARTE
AFFIRMATION
AND APPLICATION**

STATE OF NEW YORK)
) ss.
COUNTY OF NEW YORK)

CONNIE DANG, pursuant to 28 U.S.C. §1746, hereby affirms the truth of the following under penalties of perjury:

1. I am an Assistant United States Attorney in the office of Damian Williams, United States Attorney for the Southern District of New York. I am one of the prosecutors involved in an investigation of Burgess Massey in connection with the specifications included in a Violation Report filed by the United States Probation Department on April 11, 2023, in *United States v. Burgess Massey*, 03 Cr. 938 (JGK), and in anticipation of a hearing regarding those specifications scheduled for October 10, 2023. As detailed in the Report, Burgess Massey is alleged to have engaged in an altercation involving his girlfriend's daughter and son and in so doing, committed assault with intent to cause physical injury with a weapon, in violation of New York Penal Law § 120.05 (02); criminal possession of a weapon following a prior conviction, in violation of New York Penal Law § 256.02 (02); attempted assault with intent to cause physical injury with a weapon in violation of, in violation of New York Penal Law § 110-120.05 (02); menacing, in violation of New York Penal Law § 120.14 (01), acting in a manner injuring a child, in violation of New York Penal Law § 260.10 (01); attempted assault with intent to cause physical injury, in violation of New York Penal Law § 110-120.00 (01); menacing, in violation of New York Penal Law § 120.15 (00); criminal possession of a weapon in the fourth degree, in violation of New York

There is no reason for the application and order to be filed under seal and ex parte. All of these matters were discussed in open court. So ordered
9/14/23 JRG/lsb
U.S.D.S.

Penal Law § 265.01(02); menacing in the second degree, in violation of New York Penal Law § 120.14 (01); menacing in the third degree, in violation of New York Penal Law § 120.15 (00); and assault with intent to cause physical injury, in violation of New York Penal Law § 120.00 (01). I make this application pursuant to the All Writs Act, Title 28, United States Code, Section 1651, for a disclosure order to unseal and facilitate the production of sealed body-worn camera footage (not to include any grand jury materials) in the possession of the New York City Police Department (“NYPD”) and the Bronx County District Attorney’s Office (“Bronx DA’s Office”) relating to an incident that occurred on March 7, 2023 and the defendant’s arrest following this incident, which may be identified by reference to the following:

<u>Name</u>	<u>Arrest Number</u>	<u>Case Number</u>	<u>DOB</u>
Burgess Massey	B23612111	Cr. 006182-23BX	08/11/1967

2. The files maintained by the above-listed entities are believed to contain information relevant to an ongoing federal investigation of Burgess Massey in connection with the specifications included in the Report, including testimony by law enforcement officers involved in responding to the incident detailed in the Report and in the defendant’s arrest.

3. I have been informed that the NYPD and/or the Bronx DA’s Office will not disclose sealed body-worn camera footage, without a court order to do so.

4. Accordingly, the Government respectfully requests that the Court issue a disclosure order directing the unsealing and production of sealed body-worn camera footage (not to include any grand jury materials) in the possession of the New York City Police Department (“NYPD”) and the Bronx County District Attorney’s Office (“Bronx DA’s Office”) relating to an incident that occurred on March 7, 2023 and the defendant’s arrest following this incident, solely for the

purpose of providing those files to the Government in connection with the federal investigation described above. This request is being made so that the United States Attorney's Office can obtain those materials in connection with its investigation and, to the extent necessary, thereafter comply with its disclosure obligations.

5. I have shared this request with defense counsel on September 13, 2023.

6. In light of the limited nature of this application and the fact that this application pertains to sealed case files of the NYPD and the Bronx DA's Office, it is respectfully requested that this application and any resulting order be sealed pending further order of this Court.

WHEREFORE, it is respectfully requested that the Court issue the requested order submitted herewith.

Dated: New York, New York
September 13, 2023



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